

REPORT TO THE SPECIAL COMMITTEE

PLAISTOW-KINGSTON, X-A000(378), 10044E

NH ROUTE 125

PUBLIC HEARING

MAY 19, 2021 - 7:00 PM

ZOOM WEBINAR

Given the Governor's declaration via Executive Orders 2020-04 and 2021-05 of a state of emergency due to the Coronavirus (COVID-19), and in accordance with the Governor's Emergency Order #88, the Chairperson of the Special Committee finds that an emergency exists due to the COVID-19 pandemic such that there is a risk of exposure to COVID-19 by physical attendance at the meeting. As such, the meeting will be held electronically.

As a result of the Public Hearing held on May 19, 2021 for the PLAISTOW-KINGSTON, X-A000(378), 10044E project, the following layout with limitations of access is established as shown on the Hearing Plan and as described below:

This project includes the reconstruction of NH Route 125 from ¼ mile south of the Plaistow-Kingston Town Line (approximately 400 feet north of Old County Road) in Plaistow, extending 1.8 miles north to approximately 500 feet south of Newton Junction / Hunt Road in Kingston to improve safety, perform access management, and provide operational improvements to the corridor.

NH 125 will be widened to a three lane section (one travel lane in each direction and a center two way left turn lane). The entire corridor will be converted to limited access.

The following intersections will be realigned and reconstructed to improve traffic operation and safety (Signal warrants were not met and therefore no signals are proposed):

Kingston Rd (State Owned/Winter Maintained by Town of Plaistow): The Kingston Road intersection with NH Rte 125 will be discontinued and a new intersection will be constructed at a location 300' north along the Granite Road corridor, and across the Plaistow/Kingston Town line, to a new intersection. Limited Access will extend along the east side of Kingston Road from the new intersection for approximately 425' to just south of the Plaistow-Kingston town line.

Granite Road (Owned and Maintained by Town of Kingston): The remaining portion of Granite Road will tee into Kingston Road extension, remain a Class 5 highway, and continue to service two existing drive accesses.

Diamond Oaks Boulevard (Privately Owned and Maintained): Diamond Oaks intersection will be reconstructed to line up opposite Roadstone Drive. Approximately 375' of the Diamond Oaks Blvd. will be designated a Class 6 Service Road to allow State maintenance access to a proposed Water Quality Basin between NH 125 and Diamond Oaks Blvd. The current roadway owner will retain all maintenance responsibilities.

Colonial Road / Happy Hollow Lane (Owned and Maintained by Town of Kingston): Happy Hollow Lane will be extended 275 feet west to a new intersection with NH 125. Colonial Road will be reconstructed to tee into the Happy Hollow Lane extension, eliminating it's direct connection with NH 125. The existing westerly Colonial Road intersections with NH 125 will be eliminated, however a turnaround near the end of the road will be constructed.

Stormwater Management and Treatment

This project is located within a designated Small Municipal Separate Storm Sewer Systems (MS4) community. Stormwater management and treatment areas are required to comply with State and Federal permitting requirements and best management practices. Stormwater treatment locations shown on the Hearing Plans will require further evaluation and coordination with State and Federal agencies to determine the final components of the stormwater best management practices package, and in turn, the specific parcels, or portions thereof, to be acquired.

Mitigation

Wetland mitigation and stormwater treatment measures were addressed previously through the original corridor wide permitting process (Plaistow-Kingston, 10044B) and was based on an anticipated 5 lane roadway section. However, the projected traffic volumes have not occurred and a 3 lane section with reduced environmental, cultural and right-of-way impacts is now proposed.

Limitations of Access, with the following points granted, are established for this section of NH125, in accordance with RSA 230:46 as shown on the Hearing Plan:

PLAISTOW

- GRANVILLE REALTY ASSOCIATES (Parcel 1): One (1) point of access
- THE NEALE REALTY TRUST (Parcel 2): One (1) point of access
- CHAYA BROTHERS REALTY, LLC (Parcel 3): One (1) point of access
- PPR REALTY TRUST (Parcel 4): One (1) point of access
- PPR REALTY TRUST (Parcel 5): Zero (0) points of access
- HORIZON REALTY ASSOCIATES (Parcel 6): Zero (0) points of access
- State of New Hampshire (Parcel 7)
- NICKY REALTY TRUST AND GREGOIRE, RICHARD & SUE E. (Parcel 8): Zero (0) points of access; access via Parcel 10
- PLAISTOW STORAGE REALTY TRUST (Parcel 9): Two (2) point of access
- PANNIELLO PLAISTOW 216 REALTY TRUST (Parcel 10): One (1) point of access
- PANNIELLO PLAISTOW 216 REALTY TRUST (Parcel 11): Zero (0) points of access; access via Parcel 10
- PANNIELLO PLAISTOW 214 REALTY TRUST (Parcel 12): Zero (0) points of access; access via Parcel 10
- DBH REALTY OF PLAISTOW, LLC (Parcel 13): Two (2) point of access
- MCCUSKER, James M. Jr. & Catherine A. (Parcel 16): Zero (0) points of access; access via Kingston Road

KINGSTON

- TASKBAK, LLC (Parcel 17): One (1) points of access
- THOMAS, Stephen R., Judith R., Revocable Trust & THOMAS, Lori E., Revocable Trust (Parcel 18): Zero (0) points of access; access via Granite Road Extension
- State of New Hampshire (Parcel 19)
- JEFF-RE REALTY TRUST (Parcel 20): Two (2) point of access
- ALLEN, Steven B. (Parcel 21): Zero (0) points of access; access via Granite Road Extension
- R&G REALTY TRUST (Parcel 22): One (1) point of access
- DIAMOND OAKS GOLF CLUB, LLC & VILLAGE AT GRANITE FIELDS CONDOMINIUM (Parcel 23-LU1): Zero (0) points of access to Service Road; access via Diamond Oaks Boulevard
- DIAMOND OAKS GOLF CLUB, LLC & VILLAGE AT GRANITE FIELDS CONDOMINIUM (Parcel 23-LU3): Zero (0) points of access; access via Diamond Oaks Boulevard
- RAMEY, Wadih (Parcel 24): Two (2) point of access
- DAHER MOTORS OF KINGSTON, INC. (Parcel 25): One (1) point of access
- DAHER MOTORS OF KINGSTON, INC. (Parcel 26): One (1) point of access
- State of New Hampshire (Parcel 27)
- BREMAN TRUST (Parcel 28): One (1) point of access
- MASSAPAUG REALTY TRUST (Parcel 29): One (1) point of access to Service Road
- BROX INDUSTRIES INC. (Parcel 30): One (1) point of access
- DAHER, Carlos M. & Christine (Parcel 31): One (1) point of access
- DONNA C. DAMPHOUSSE REVOCABLE TRUST 2002 (Parcel 32): Two (2) point of access
- DONNA C. DAMPHOUSSE REVOCABLE TRUST 2002 (Parcel 33): Zero (0) points of access

- COMMERCE PARK CONDOMINIUM ASSOCIATEN (Parcel 34): One (1) point of access
- TOWN OF KINGSTON (Parcel 35): One (1) point of access
- WHITNEY FAMILY TRUST (Parcel 36): One (1) point of access (with a second point of access proposed off Dorre Rd)
- KINGSTON PLACE, LLC (Parcel 37): One (1) point of access
- SARCASM LLC (Parcel 38): Zero (0) points of access; access via 50' access easement
- JASON THOMAS WHITNEY LIVING TRUST (Parcel 39): One (1) point of access
- BURTT, Irene M. (Parcel 40): One (1) point of access
- STATE OF NH (DOT) (Parcel 41): One (1) point of access
- STATE OF NH (DOT) (Parcel 42): One (1) point of access
- FIELDSTONE MEADOW REALTY LLC (Parcel 43): Zero (0) points of access; access via parcel 51
- PHYLLIS L. CROWELL REVOCABLE TRUST OF 2008 (Parcel 44): Zero (0) points of access; access via Colonial Road
- CARA MARIA REALTY TRUST (Parcel 46): One (1) point of access
- TOWN OF KINGSTON (Parcel 50): Zero (0) points of access
- COMCAST OF CONNECTICUT/ GEORGIA/ MASSACHUSETTS/ NEW HAMPSHIRE/ NEW YORK/ NORTH CAROLINA/ VIRGINIA/ VERMONT LLC (Parcel 51): One (1) point of access
- STATE OF NH (DOT) (Parcel 52): Zero (0) points of access; access off Debra Road
- KINNEY, Wayne E. (Parcel 53): One (1) point of access
- YOUNG, Roger S. (Parcel 54): One (1) point of access
- JOHN D. LANCASTER REVOCABLE TRUST (Parcel 55): One (1) point of access
- STATE OF NH (DOT) (Parcel 56): One (1) point of access
- GEOFFROY ROUTE 125 REALTY TRUST (Parcel 57): One (1) point of access
- CB2 REALTY LLC (Parcel 58): Zero (0) points of access
- GEOFFROY ROUTE 125 REALTY TRUST (Parcel 59): One (1) point of access
- CB2 REALTY LLC (Parcel 60): One (1) point of access
- Wallace, Dean B. (Parcel 61): One (1) point of access
- CB2 REALTY LLC (Parcel 62): One (1) point of access
- JASE REALTY, LLC (Parcel 63): One (1) point of access
- TASKBAK, LLC (Parcel 64): Two (2) points of access
- STATE OF NH (DOT) (Parcel 64-1): no change
- PITTORE, Alfred (Parcel 65): One (1) point of access
- MATTHEWS, Gary, Robert G., Richard J. Jr., & ANDREWS, Joyce (Parcel 66): One (1) point of access
- STATE OF NH (DOT) (Parcel 67): no change
- STATE OF NH (DOT) (Parcel 68): no change
- PATRIOT PARK CONDOMINIUM (Parcel 69): One (1) point of access

The following are decisions for the resolution of issues as a result of testimony presented at the May 19, 2021 Public Hearing, and written testimony subsequently submitted within the comment period:

1. Mr. Marc Salinas, 1 Happy Hollow Lane, Kingston NH, (Parcel 47), expressed concern regarding total parcel (46 Cara Maria Realty Trust and 50 Town of Kingston) acquisitions and tree clearing on these parcels east of his property. The parcels are currently wooded and serve as the only buffer zone between he and his neighbors properties and NH 125. He inquired if any mitigation efforts were being considered to deal with the potential increase of noise and pollution from highway traffic, or crime, and noted clearing would result in loss of enjoyment of his property. He inquired what assurance could be provided to ensure that proposed tree cutting, slope work, and drainage features, were not going to adversely impact his property or well water. He added the plans indicated an extension of his driveway, and asked who would be responsible for maintenance of the extended driveway.

Response: The **clearing limits on parcel 46 and 50** will be determined during final design of the project. The Department will consider minimizing the clearing on these parcels to the greatest extent practical during final design.

Noise impacts associated with the project were examined along with potential abatement measures in accordance with the guidelines set forth in the Department's Noise Policy. This analysis indicated that noise levels did not approach or exceed the Department's noise abatement threshold criteria. As such, in accordance with the Department's Noise Policy, noise abatement has not been included in the proposed project.

Direct project impacts to parcel 47 (impacts beyond the existing right-of-way) will be identified and addressed as part of the property appraisal. Values for the direct impacts and impacts to the use of the remaining parcel will be determined and just compensation for these impacts will be offered as part of a ROW settlement.

The water quality treatment measures proposed as part of this project are required by regulation. They are designed to remove nitrogen, phosphorus, and suspended solids from stormwater runoff. All water quality measures will be constructed in accordance with NHDES guidelines. Numerous water quality treatment basins of similar design have been constructed throughout the State, with no known history of resultant ground water contamination. The existing culvert that conveys untreated roadway runoff and runoff from parcels 46 and 50, and outlets onto parcel 47, will be abandoned. A new culvert will be constructed approximately 50 feet to the north. The new location of the outlet will provide additional buffer (further away) from the well and will flow into the existing drainage swale. This culvert will convey stormwater from a newly constructed stormwater treatment feature that will be designed to remove nutrients before it is released. The level of treatment will comply with environmental permitting requirements. Additional survey will be conducted to verify the well location in an effort to minimize the potential for direct impacts to the well and to ensure the stormwater discharge is not within the sanitary radius of the well. Provisions to replace the well will be included in the project if, during final design, it is determined that impacts to the well water quality cannot be avoided.

The maintenance of newly constructed and reconstructed portions of driveways connecting to the Town road or Highway will be the responsibility of individual property owners as is currently the case.

2. Ms. Robin Sullivan, 212 Plaistow Rd, Plaistow NH, (Parcel 8), inquired about how much of her land will need to be acquired for the project and questioned how the drainage swale on Parcel 6 would impact her property. She was also concerned with how access to the property would be maintained, the gate and fence are located in the area between the center line and the proposed Controlled Access Right Of Way (CAROW). Will a new entrance be provided if one is taken away, and will snow storage and large vehicle access be considered?

Response: The proposed CAROW width from the center line of the proposed road Varies from 70'8" at STA 2344+00 to 65'10" at STA2345+00 (in front of Dick's Auto Body). The new CAROW will extend 25 feet beyond the existing CAROW at the widest point.

The overall design for roadway drainage will be prosecuted to minimize impacts to abutting parcels to the greatest extent practicable. The intent is to collect, treat and

release roadway runoff to comply with environmental permitting requirements. The footprint of the swale will not encroach onto parcel 8.

1 point of access to parcel 8 will be maintained/provided from an existing 50-foot wide access easement, identified as parcel 10, and located at approximately station 2346+00. Direct access to NH 125 will not be provided.

Survey completed as part of the project identified property improvements (pavement surfaces and fencing) that encroach onto state owned property and ROW. The identified encroachments are proposed to be removed as part of the project. Direct project impacts to parcel 8 (impacts beyond the existing right-of-way) will be identified and addressed as part of the property appraisal. Values for the direct impacts and impacts to the use of the remaining parcel will be determined and just compensation for these impacts will be offered as part of a ROW settlement.

3. Ms. Diane Maddox, Trustee of the Phyllis L. Crowell Revocable Trust of 2008, (Parcel 44), questioned the level of direct impact the project has on parcel 44 and has concerns with tree clearing proposed on parcel 46 and 50. She also expressed concerns with how the project might impact the artesian well located on this property.

Response: The **clearing limits on parcel 46 and 50** (red hatched area) will be determined during final design of the project. The Department will consider minimizing the clearing on these parcels to the greatest extent practical during final design.

There is no proposed slope work or road improvements requiring a grade change on Colonial Road at this location and therefore direct impacts to the well/well house are not anticipated. Additional survey will be conducted to verify the well location in an effort to minimize the potential for direct impacts to the well.

4. Mr. Lawrence Radford, Junior, Happy Hollow Lane, (Parcel 49), inquired where Happy Hollow Lane is moving in relation to this property? He also expressed concern that the depicted clearing of parcels 46 & 50 will increase noise to this parcel. Inquired if there were any plans for noise barriers. He inquired about what the State could do to mitigate the high winds and dust that blows from across NH 125. He also requested a site visit to review the projects impact on this parcel.

Response: The plan presented at the Public Hearing is the most current depiction of proposed actions at Happy Hollow Lane and Colonial Road. Happy Hollow Lane will be extended west to a new intersection with NH 125. Colonial Road will be reconstructed to tee into the Happy Hollow Lane extension, eliminating it's direct connection with NH 125. The existing westerly Colonial Road intersections with NH 125 will be eliminated. The Happy Hollow Lane extension will result in roadway slope and clearing impacts along the south and west property lines.

The **clearing limits on parcel 46 and 50** (red hatched area) will be determined during final design of the project. The Department will consider minimizing the clearing on these parcels to the greatest extent practical during final design.

Noise impacts associated with the project were examined along with potential abatement measures in accordance with the guidelines set forth in the Department's Noise Policy. This analysis indicated that noise levels did not approach or exceed the Department's noise abatement threshold criteria. As such, in accordance with the Department's Noise Policy, noise abatement has not been included in the proposed project.

The wind and the dust it brings from across NH 125 is outside of the project scope and outside of the control of the Department.

To the extent that the Department would require property acquisition rights, ROW staff will meet with the property owner/s and provide information on the acquisition process and explain property impacts.

5. Mr. Mike Maroney, Haverhill, Massachusetts, President of Little Deer Valley, LLC. (Parcel 34) known as Commerce Park, (verbal and written testimony), stated that a first mortgage on the property is under his name. The plan for the parcel was originally a 31 unit condominium complex comprised of three units of which two have been constructed. Building C construction rights are in court, pending court outcome the ROW negotiations may be with him or Commerce Park Association. He noted the proposed stormwater treatment basin

impacts 9 of 13 units in phase II construction of proposed Building C. Infrastructure including drainage, fire suppression, land, and engineering have been installed, performed and paid for. He Requested that any negotiations should be conducted with him as the current mortgage owner.

Response: These concerns have been noted and will be considered in the ROW process.

Project impacts to parcel 34 (impacts beyond the existing right-of-way) will be identified and addressed as part of the property appraisal. Values for the impacts and impacts to the use of the remaining parcel will be determined and just compensation for these impacts will be offered as part of a ROW settlement.

6. Ms. Robyn Januszewski, 5 Colonial Road, Kingston, NH, (Parcel 45), expressed concern with the status of clearing on parcels 46 and 50 (the red hashed area). She expressed concern with treatment swale on parcel 46, where if not be maintained that the consequence could be flooding in basements. She was concern that the drainage easement area depicted on parcel 45 impacts the well.

Response: The **clearing limits on parcel 46 and 50** (red hatched area) will be determined during final design of the project. The Department will consider minimizing the clearing on these parcels to the greatest extent practical during final design.

The concern regarding the maintenance of the treatment swale is noted. The swale will be maintained as part of regular highway maintenance.

Additional survey will be conducted to verify the well location in an effort to minimize the potential for direct impacts to the well and to ensure the stormwater discharge is not within the sanitary radius of the well.

7. Mr. Jason Whitney & Ms. Donna Whitney, 22 & 26 Route 125, Whitney's Garage, (Parcel 36), is requesting two points of access to NH 125, and would like the proposed drive to be widened to accommodate entering and exiting traffic. They would like the garage moved away from the road due to high noise levels, safety concerns, inadequate ramp truck access to garage bay doors, and debris falling from trucks entering and exiting Dorre Road. They are requesting an additional exit drive access to NH125 to allow adequate ramp truck access to garage bay doors.

Response: The NHDOT drive policy does not support a second drive access because of the reduction in safety created due to the second drives proximity to Dorre Road.

Widening of the single point of access proposed can be evaluated as the design progresses in accordance with design standards.

The NH Department of Transportation's Policy and Procedural Guidelines for the Assessment and Abatement of Highway Traffic Noise for Type I & II Highway Projects (Noise Policy) and Federal Highway Administration (FHWA) noise abatement regulations do not allow buildings to be moved for noise abatement purposes. Additionally, vehicle maintenance and other similar industrial facilities fall within FHWA activity category F which does not have a noise abatement criterion. For this reason, noise abatement cannot be constructed at this or any similar industrial facility in accordance with the Department's Noise Policy and FHWA noise abatement regulations.

Project impacts to parcel 36 (impacts beyond the existing right-of-way) will be identified and addressed as part of the property appraisal. ROW staff will meet with the property owner/s and provide information on the acquisition process and explain property impacts. Values for the impacts and impacts to the use of the remaining parcel will be determined and just compensation for these impacts will be offered as part of a ROW settlement.

8. Mr. James McCusker, 93 Kingston Road, Plaistow NH, (Parcel 16), is requesting accommodations to safely back out of the driveway in question based on the proposed geometry and alignment of Kingston Road and NH 25.

Response: The concern is noted. During the final design process the Department will make efforts to determine if any geometric changes in this area can be accomplished to further minimize safety concerns voiced by the owner.

9. Mr. Michael Clark, Commerce Park Association, 17 Route 125, Kingston NH, (Parcel 34), requests to see an overlay on the plan that shows the proposed Building C and the impact of the proposed basin. Can the drainage structure be turned 90 degrees such that part of it is on the adjacent property that is not sub dividable?

Response: The Department will share an image of the proposed site plan layout (as acquired from the NH Registry of Deeds) overlaid onto the current project plan.

The water quality treatment basin layout is based on a number of factors, however during the final design process the size, location, and layout will be reviewed, and if feasible, alternatives will be explored that may limit the proposed impact to the footprint of the Building C area.

10. Mr. Erik Stevenson, Real Estate Division Manager, Brox Industries, Inc., (Parcel 30), through written testimony, inquired about the flexibility of the single access point and if it can be modified to accommodate future business needs.

Response: Through coordination during the final design and ROW process, the single access point can be configured based on future expected use. This point of access may also be adjusted in the future by following the Department's driveway permit process.

11. Robert E. Ducharme, Esq., Ducharme Law, P.L.L.C., 72 Portsmouth Avenue, Suite 101, Stratham, NH 03885, representing Commerce Park Association, 17 Route 125, Kingston NH, (Parcel 34), through written testimony, stated that the tenants of the condominiums have been paying the taxes and that they have brought legal action against Mr. Maroney to prevent the construction of Building C. He also stated that Commerce Park should be coordinated with for access to the property and not Mr. Mike Maroney.

Response: The Department will coordinate with the owner of record for future access and negotiations related to Parcel 34.

Date: 11/08/2021



Victoria F. Sheehan
Commissioner
N.H. Department of Transportation